REMARKS

This is intended as a full and complete response to the Office Action dated October 17, 2008, having a shortened statutory period for response extended to expire on February 17, 2009. Please reconsider the claims pending in the application for reasons discussed below.

Claims 5-9, 11, 21-25, 30 and 31 are pending in the application and remain pending following entry of this response. Claims 7, 11 and 21 have been amended. Applicants submit that the amendments do not introduce new matter.

Further, Applicants are not conceding in this application that those amended (or canceled) claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue these (pre-amended or canceled claims) and other claims in one or more continuations and/or divisional patent applications.

Statement of Substance of Interview

On February 12, 2009, a telephonic interview was held between Gero G. McClellan, attorney of record, and the Examiner of record. The parties discussed the cited references including *Horvitz* and *Hobbs*. Claim 1 was discussed.

During the interview, Applicants made the arguments that are presented in detail below. No agreement could be reached at the time of the interview, but the Examiner acknowledged that the arguments appeared reasonable and agreed to reconsider the references in light of Applicants' arguments.

Claim Rejections - 35 U.S.C. § 112

Claims 7-9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have made appropriate amendments, which were discussed and agreed to during the interview.

Claim Rejections - 35 U.S.C. § 103

As clarified by the Examiner in the interview conducted on February 12, 2009, claims 5-9, 11, 21-25, 30 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Horvitz* (U.S. Patent No. 6,182,133) in view of *Hobbs* (U.S. Patent No. 6,523,022).

Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a prima facie case of obviousness. See MPEP § 2141. Establishing a prima facie case of obviousness begins with first resolving the factual inquiries of Graham v. John Deere Co. 383 U.S. 1 (1966). The factual inquiries are as follows:

(A) determining the scope and content of the prior art;

(B) ascertaining the differences between the claimed invention and the prior art;

(C) resolving the level of ordinary skill in the art; and

(D) considering any objective indicia of nonobviousness.

Once the Graham factual inquiries are resolved, the Examiner must determine whether the claimed invention would have been obvious to one of ordinary skill in the art.

Respectfully, Applicants submit that the Examiner has not properly characterized the teachings of the references and/or the claims at issue. Accordingly, a prima facie case of obviousness has not been established.

In this case, *Horvitz* does not disclose "each and every element as set forth in the claim". For example, *Horvitz* does not disclose retrieving a Web page in response to a user request; then determining if an entry associated with the Web page exists in a data structure residing on a networked client display device, the entry including at least a user interaction field; if the entry exists, determining if the user interaction field appears on the Web page; and then, if the user interaction field appears on the Web page, rendering the page in a manner that repositions the user interaction field from an unviewable area of the networked client display device to a viewable area of the

networked display device and positioning a portion of the page outside the viewable area of the networked display device, thereby eliminating a user of the networked client display device from having to reposition the page to bring the user interaction field into the viewable area.

Horvitz teaches *prefetching* pages or content, Prefetching is fundamentally incompatible with the claims because the whole point of prefetching is to fetch a page *before* the user explicitly requests it. *See*, col. 3, 41-48. In contrast, the claim recites determining, in response to a request for a web page, a whether a user interaction field associated with a requested web page is located in a data structure resident on the requesting device and is also included with the web page. Thus, the determination regarding the user interaction field is only made *in response to an explicit request for the page*. Again, this is fundamentally opposed to *Horvitz* where the whole point is to use forecasting models to retrieve the page before the user requests it. On this basis alone Applicants submit the rejection should be withdrawn.

Further, the prefetching is based on probabilistic models, not interaction with a particular field of a particular page: "These potential future pages are determined by forecasting the behavior of the user…with user models, that employ rules, functions, data analysis or combinations thereof to provide estimates of probabilities (likelihood) that the user will access, in the future, each of those particular pages for viewing, e.g., transition to that page from a current page or transition to that page later, i.e., in a current session or within a given time horizon of that session." See, col. 4, 4-12. Thus, *Horvitz* also does not teach any form of re-positioning a page based on a user's assessing a predefined user interaction field.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)